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37 C.F.R § 1.8

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January 10, 2005

Date

Shelley P.M. Fussey

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lonnie D. Shea, Jeffrey Bonadio
Martin C. Peters and David J. Mooney

Serial No.: 09/442,542

Filed: November 18, 1999

For: SUSTAINED DNA DELIVERY FROM
STRUCTURAL MATRICES

Group Art Unit: 1636

Examiner: Kaushal, S.

Atty. Dkt. No.: 4100.002000

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed July 09, 2004, finally rejecting claims 1-12, 19-47, 49-53, 66-68, and 102-117, objecting to claim 13 and allowing claims 14-18, 48, 54-65 and 118-130.

The fee for filing this Notice of Appeal is \$250 and is included in the check attached hereto.

A request for an incremental two month extension of time to respond is included herewith, along with a check in the amount of \$705.00 which includes the process fee (\$455.00) for an incremental two month extension of time. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Director is authorized to deduct or credit said fees from or to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4100.002000.

Respectfully submitted,

Williams, Morgan & Amerson, P.C.
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Date: January 10, 2005